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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael J. Mallie, Blakely, Sokoloff, Taylor  
Zafman LLP  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025

EXAMINER

CHANG, ERIC

ART UNIT PAPER NUMBER

2116

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,322

Applicant(s)

JANIK, CRAIG M.

Examiner

Eric Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 48-67 are pending.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 48, 52-55, 57-58, 62-65 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,832,067 to Herold, in view of U.S. Patent 6,842,779 to Nishizawa.

4. As to claim 48, Herold a method of presenting content, comprising: providing a content preference selection to a server to retrieve content; receiving from the server at an alarm clock the content; and causing the alarm clock to present the content that is relevant to the content preference selection at a time that is programmed into the alarm clock [col. 3, lines 8-65].

Herold teaches an alarm clock that couples to a server over a network in order to download and present pre-selected information from the server at a predetermined time [col. 3, lines 8-65]. Herold teaches all of the limitations of the claim, but does not specifically teach that the port couples the alarm clock to the internet to download the information from a website. However, Herold does teach that the device connects to any type of computer capable of providing the requested information over a telephonic network [col. 3, lines 8-24]. It would be obvious to one of ordinary skill in the art that the server may be a website server and that the

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connection may be made over a telephone dial-up to the internet, because a website server would be able to provide the requested information, substantially as claimed. Furthermore, using telephonic dial-up technology to access the internet is also well known in the art.

Herold teaches the limitations of the claim but does not teach that the content preference selection comprises information to be used with a search engine wherein the content is retrieved from said search engine.

Nishizawa teaches that an agent program that retrieves and displays information from the internet to a user at a designated time [col. 2, lines 27-40]. Thus, Nishizawa teaches a scheduled retrieval of information from the internet similar to that of Herold. Nishizawa further teaches that the agent program automatically performs an internet search using a search engine, such as a web crawler, further also using user-defined content preference selections [col. 1, lines 33-43].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the internet search means as taught by Nishizawa. One of ordinary skill in the art would have been motivated to do so that the user's desired content can be located on the internet and thusly retrieved.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of scheduled retrieval of information from the internet. Moreover, the internet search means taught by Nishizawa would improve the flexibility of Herold because it allowed for improved integration with other web services [col. 4, lines 45-57].

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5. As to claim 52, Herold discloses the content is stored within a memory (272) of the alarm clock prior to the time that is programmed into the clock [col. 6, lines 1-5].

6. As to claim 53, Herold discloses the content is received at the alarm clock at a user-selected time [col. 3, lines 41-57].

7. As to claim 54, Herold discloses the alarm clock accesses the server at the user-selected time to receive the content [col. 3, lines 41-57].

8. As to claim 55, Herold discloses automatically dialing a designated phone number [col. 2, lines 1-5].

9. As to claim 57, Herold discloses the content is retrieved at a selected time by alarm clock means [col. 3, lines 17-23]. It is well known in the art that alarm clocks have alarms that occur at the same time every day; thus it would be obvious to one of ordinary skill in the art that the content is retrieved daily.

10. As to claim 58, Herold a method of presenting content, comprising: providing a content preference selection to a server to retrieve plural content; receiving from the server at an alarm clock the plural content; and causing the alarm clock to present the plural content that is relevant to the content preference selection at a time that is programmed into the alarm clock [col. 3, lines 8-65].

Herold teaches an alarm clock that couples to a server over a network in order to download and present pre-selected information from the server at a predetermined time [col. 3, lines 8-65]. Herold teaches all of the limitations of the claim, but does not specifically teach that the port couples the alarm clock to the internet to download the information from a website. However, Herold does teach that the device connects to any type of computer capable of providing the requested information over a telephonic network [col. 3, lines 8-24]. It would be obvious to one of ordinary skill in the art that the server may be a website server and that the connection may be made over a telephone dial-up to the internet, because a website server would be able to provide the requested information, substantially as claimed. Furthermore, using telephonic dial-up technology to access the internet is also well known in the art.

Herold teaches the limitations of the claim but does not teach that the content preference selection comprises information to be used with a search engine wherein the content is retrieved from said search engine.

Nishizawa teaches that an agent program that retrieves and displays information from the internet to a user at a designated time [col. 2, lines 27-40]. Thus, Nishizawa teaches a scheduled retrieval of information from the internet similar to that of Herold. Nishizawa further teaches that the agent program automatically performs an internet search using a search engine, such as a web crawler, further also using user-defined content preference selections [col. 1, lines 33-43].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the internet search means as taught by Nishizawa. One of ordinary skill in the art would have been motivated to do so that the user's desired content can be located on the internet and thusly retrieved.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of scheduled retrieval of information from the internet. Moreover, the internet search means taught by Nishizawa would improve the flexibility of Herold because it allowed for improved integration with other web services [col. 4, lines 45-57].

11. As to claim 62, Herold discloses the content is stored within a memory (272) of the alarm clock prior to the time that is programmed into the clock [col. 6, lines 1-5].

12. As to claim 63, Herold discloses the content is received at the alarm clock at a user-selected time [col. 3, lines 41-57].

13. As to claim 64, Herold discloses the alarm clock accesses the server at the user-selected time to receive the content [col. 3, lines 41-57].

14. As to claim 65, Herold discloses automatically dialing a designated phone number [col. 2, lines 1-5].

15. As to claim 67, Herold discloses the content is retrieved at a selected time by alarm clock means [col. 3, lines 17-23]. It is well known in the art that alarm clocks have alarms that occur at the same time every day; thus it would be obvious to one of ordinary skill in the art that the content is retrieved daily.

16. Claims 49-51, 56, 59-61 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,832,067 to Herold, in view of U.S. Patent 6,842,779 to Nishizawa, and in further view of U.S. Patent 6,587,822 to Brown et al.

17. As to claims 49-51, 56, 59-61 and 66, Herold and Nishizawa teach the limitations of the claims. Herold further teaches presenting audio information by means of digital-to-analog conversion of data [col. 6, lines 14-17], but Herold and Nishizawa do not teach that a speech synthesizer device for audibly broadcasting text portions of the pre-selected information over the speaker.

Brown teaches that information may be downloaded over the internet for presentation to a user [col. 1, lines 6-9]. Thus, Brown teaches a means for retrieving information from a website similar to that of Herold and Nishizawa. Brown further teaches that the speech synthesizer delivers text portions of the downloaded information via a speaker [col. 1, lines 43-52].

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the speech synthesis means as taught by Brown. One of ordinary skill in the art would have been motivated to do so that text information retrieved from the website would be audibly read to the user.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of retrieving and presenting information from a website. Moreover, the speech synthesis means taught by Brown would improve the flexibility of Herold and Nishizawa because it allowed the alarm clock to further be



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controlled using verbal commands, such as voice-controlled browsing or the like [col. 5, lines 18-37].

18. As to claims 49 and 59, Brown discloses the content preference selection is provided by interacting with a server Web page [col. 3, lines 23-35].

19. As to claims 50 and 60, Brown discloses the content is streamed to the alarm clock [col. 3, lines 33-38].

20. As to claims 51, 61, 56 and 66, Brown discloses the content is converted from text to synthesized speech [col. 1, lines 43-52].

### ***Response to Arguments***

21. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (571) 272-3671. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 9, 2005

ec

  
JOHN R. COTTINGHAM  
PRIMARY EXAMINER